IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 2ND NOVEMBER 2007 / 11TH KARTHIKA 1929

RP.No. 37 of 2005(G)

JUDGMENT DATED 24.6.2004 IN OP.15188/1997

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REVIEW PETITIONERS/RESPONDENTS 1 & 3 TO 5 IN O.P:

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1. THE STATE OF KERALA,
   REPRESENTED BY THE CHIEF SECRETARY TO THE
   GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

2. THE SPECIAL TAHSILDAR (LA) NO.III,
   KOCHI INTERNATIONAL AIRPORT, ANGAMALY,
   ERNAKULAM DISTRICT.

3. THE DISTRICT COLLECTOR, ERNAKULAM.

4. THE DISTRICT MEDICAL OFFICER, ERNAKULAM.

BY GOVERNMENT PLEADER SRI.SHYSON P.MANGUZHA.

RESPONDENTS: PETITIONER & 2ND RESPONDENT IN O.P:

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1. VAREED, S/O. URUMEESE,
   ATHIKKAKUZHY, KEEZHPARIYARAM, NEDUMBASSERY VILLAGE
   ALUVA TALUK.

2. THE KOCHI INTERNATIONAL AIRPORT
   AUTHORITY, ANGAMALY, REPRESENTED BY ITS
   MANAGING DIRECTOR, NEDUMBASSERY VILLAGE,
   ALUVA TALUK.

R1 BY ADV. SRI.V.P.K.PANICKER
SRI.P.VISWANATHAN
SRI.DINESH R.SHENOY
SRI.T.R.RAJEEVAN
SRI.V.DEVAN
R2 BY SR.ADV.SRI.N.N.SUGUNAPALAN.

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 02/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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R.P.NO.37 OF 2005 IN
O.P.No.15188 OF 1997

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DATED THIS THE 2ND NOVEMBER, 2007

O R D E R

Even though the names of all the five counsel appearing for the writ petitioner are shown in the cause list, none of them is present to resist the prayers in the Review Petition filed by the respondent-State.

2. Review of my judgment in the Original Petition is sought for on the ground that a part of the directions issued under that judgment is incapable of compliance due to reasons for which the Government is not responsible. Under my judgment, I had directed the 3rd respondent-Land Acquisition Officer to consider Ext.P7 in the case and to refer the question of determining the correct compensation payable for certain items of properties belonging to the petitioner which had been acquired for the purpose of the International Airport. I had also directed the 3rd respondent to refer similar questions in LAC.Nos.105 of 1996 and 714 of 1996.

3. The grounds which are seriously raised by the Government are that the directions in so far as they relate to Ext.P7 have already been complied with and the question has been referred. As regards LAC.No.105 of 1996 it is submitted that there was no such LAC at all.

As regards LAC.No.714 of 1996, the ground urged is that the properties in that case belonged not to the writ petitioner but to his son and that the son of the writ petitioner had not submitted any reference application at all.

4. These submissions are appealing. I recall my judgment to the extent the same relates to LAC.No.105 of 1996 and LAC.No.714 of 1996 and post the O.P. for fresh hearing. The Review Petition is allowed as above.

Post the Original Petition before the appropriate court.

(PIUS C.KURIAKOSE, JUDGE)

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